

## REMARKS/ARGUMENTS

In the Office Action mailed April 28, 2010, claims 4, 6, and 10 were rejected. Claims 1-3, 7-9, and 12-14 were allowed. Claims 5 and 11 were objected to. Additionally, the drawings were objected to. In response, Applicants hereby request reconsideration of the application in view of the proposed amendments and the below-provided remarks. No claims are added canceled. Applicants submit that the proposed amendments place the present application in condition for allowance or in better condition for appeal.

For reference, proposed amendments are presented for claims 4 and 10 to delete the term “memorized” from the phrase “the memorized information unit that has caused the indicator signal.” By implementing these proposed amendments, the indicated language of claims 4 and 10 is identical to the corresponding language of independent claims 1 and 7, which recite “the information unit that has caused the indicator signal.” These proposed amendments are supported by the original language of the claims.

### Allowed Claims

Applicants appreciate the Examiner’s review of the claims and determination that claims 1-3, 7-9, and 12-14 are allowed.

### Claim Objections related to Double Patenting

Claim 6 was objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 1. The objection also references MPEP § 706.03(k), which states in part:

Inasmuch as a patent is supposed to be limited to only one invention or, at most, several closely related indivisible inventions, limiting an application to a single claim, or a single claim to each of the related inventions might appear to be logical as well as convenient. However, court decisions have confirmed applicant's right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed, a mere difference in scope between claims has been held to be enough. Nevertheless, when two claims in an application are duplicates, or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the

other claim under 37 CFR 1.75 as being a substantial duplicate of the allowed claim.  
MPEP § 706.03(k) (emphasis added).

Applicants respectfully submit that the stated objection is improper because the difference in scope between claims 1 and 6 is within Applicants' right to restate the invention in a reasonable number of ways. The difference in scope between claims 1 and 6 is illustrated by the specific language recited in the claim. Claim 1 recites a "circuit" while claim 6 recites a "data carrier." Although there may be some embodiments in which the "circuit" and the "data carrier" may be implemented together, the overall scope of each claim is independent and different from other claims because of the specific language recited therein. Applicants submit that this difference in scope is reasonable and, hence, should not be objected to.

Moreover, this difference in scope illustrates that the indicated claims are not duplicates because the claims are directed to different (although potentially related) subject matter. Furthermore, this difference in scope illustrates that the indicated claims do not cover the same thing because the data carrier is a different thing than the circuit. For example, in some embodiments the data carrier may include more structural components than the circuit. Similarly, in some embodiments the data carrier may be capable of implementing more functionality than the circuit. These potential differences in structural and functional characteristics of the data carrier and the circuit illustrate that there is a meaningful difference in scope between the circuit recited in claim 1 and the data carrier recited in claim 6.

Therefore, the recited scope of claim 6 is within Applicants' right to restate the invention in a reasonable number of ways because the difference in scope between claims 1 and 6 is meaningful and reasonable. Accordingly, Applicants request that the objection to claim 6 be withdrawn.

#### Objections to the Drawings

The Office Action states that the processing steps of claim 7 must be shown in the drawings. Applicants submit that Figure 2 is added to show the processing steps of claim 7. Additionally, corresponding language for Figure 2 is added to the specification. The

subject matter shown in Figure 2 and added to the specification is supported by the original language of the claims and thoroughly corresponds to the current language of claim 7. Accordingly, Applicants request that the objection to the drawings be withdrawn.

#### Claim Rejections under 35 U.S.C. 112

Claims 4, 5, 10, and 11 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states that the language in the claims should be identical to maintain consistency in the claim to avoid any and all confusion that may arise.

While Applicants disagree with the assertion that identical language should be used, proposed amendments are nevertheless presented for claims 4 and 10 to use language that is identical to the corresponding language of the base independent claims 1 and 7. Specifically, each of claim 4 and 10 is amended to recite “the information unit that has caused the indicator signal” (instead of “the memorized information unit that has caused the indicator signal”). These proposed amendments comply the with Examiner’s request. Accordingly, Applicants respectfully request that the rejections of claims 4, 5, 10, and 11, under 35 U.S.C. 112, second paragraph, be withdrawn.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the proposed amendments and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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